

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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DEMETRECE R. WELCH,  
#215959

Plaintiff,

v.

CLIFFORD W. TAYLOR,

Defendant.

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Case No. 1:07-cv-741

Hon. Richard Alan Enslen

**ORDER**

This matter is before the Court on Defendant Chief Justice of the Michigan Supreme Court Clifford W. Taylor's Motion for More Definite Statement. Plaintiff Demetrece R. Welch, a Michigan state prisoner, has responded in opposition. Upon review of the briefing, the Court discerns no reason for oral argument. *See* W.D. Mich. LCivR 7.3(d).

Defendant argues it is not clear from the face of the Complaint whether Plaintiff is bringing this constitutional challenge to M.C.L. § 600.2963 as an "as-applied" challenge or a facial challenge. *See Howard v. Whitbeck*, 382 F.3d 633 (6th Cir. 2004). Based on a review of the Complaint, the Court concludes that Plaintiff is challenging the statute "as-applied."

**THEREFORE, IT IS HEREBY ORDERED** that Defendant Clifford W. Taylor's Motion for More Definite Statement (Dkt. No. 7) is **DENIED**.

DATED in Kalamazoo, MI:  
January 9, 2008

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE